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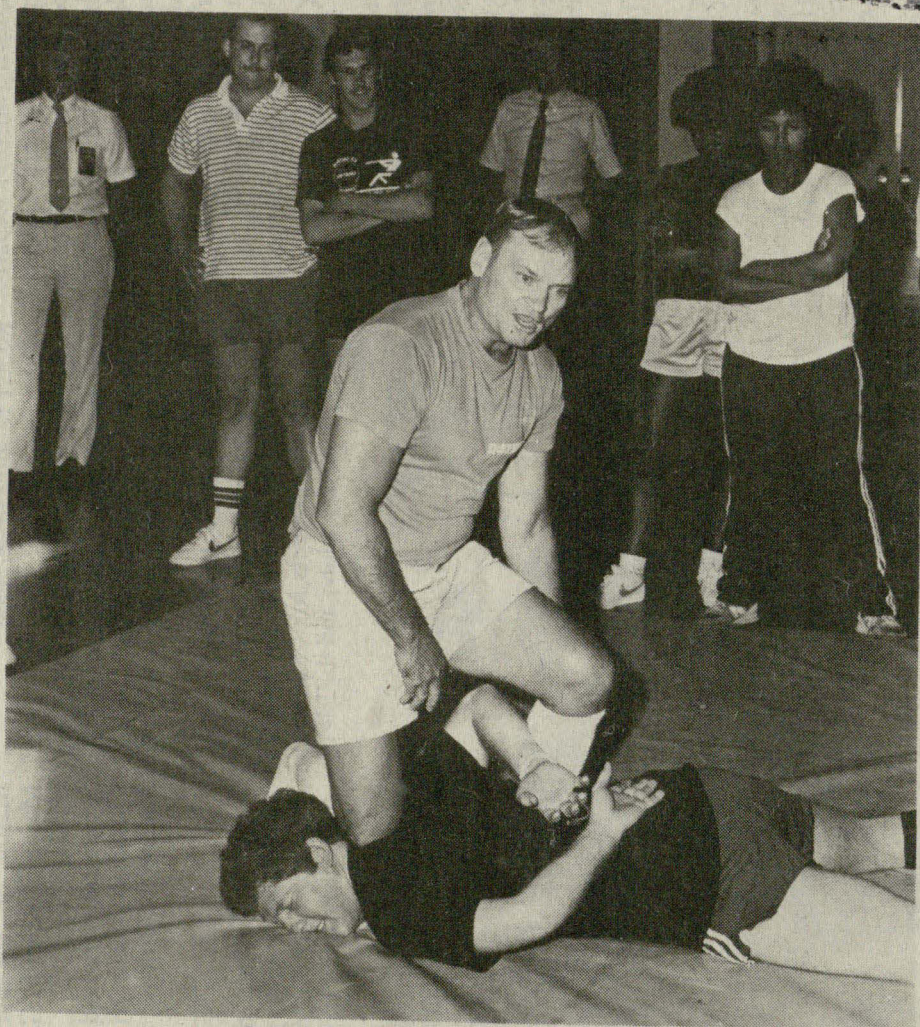
Criminal Justice Chronicle

The Newspaper of the South Carolina

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SEP 1 1 1986

STATE DOCUMENTS



Right in the Neck

South Carolina Criminal Justice Academy instructor Bruce Cann demonstrates defensive techniques for use against recalcitrant arrestees, as a group of his students looks on. The unfortunate victim of Cann's demonstration, God help him, was not identified. (Photo courtesy of the Academy)

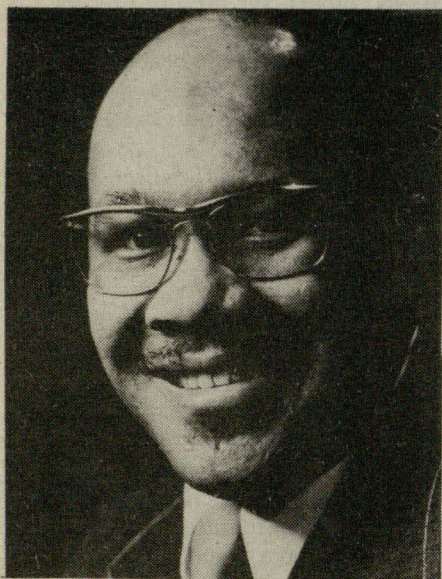
Criminal Justice Chronicle

The Newspaper of The South Carolina Criminal Justice Academy

Columbia, South Carolina

July, 1986

Vol. 1, Number 3



J.P. NEAL JR. was the principal speaker at recent graduation ceremonies held at the South Carolina Criminal Justice Academy. Neal, a longtime Columbia radio and television personality, is Director of Public Relations and Director of Minority Affairs for the South Carolina Department of Mental Health.

What Was That Again?

The atmosphere at the Red Apple Club was hot and exciting the night off-duty Sheriff's Deputy Chris Arnold, 26, of Wyandotte County, Kansas, wandered in to have a "look" at the topless dancers.

While Arnold was watching, his service revolver went off, and a bullet lodged in his right leg, just above the ankle.

Arnold told investigating officers the gun's safety latch was on, and that he had not been handling it when it went off.

Arnold's superior, Undersheriff Tim Johnson, said no disciplinary action was planned against the officer.

Johnson said Arnold had simply had "an accidental discharge."

Federal Judge Orders 530 Inmates Set Free

The federal judge overseeing prison reforms in South Carolina has ordered the release of 530 inmates by mid-September to ease overcrowded conditions.

In an order filed on July 22, U.S. District Judge C. Weston Houck gave the state Department of Corrections 15 days to cut the prison population by 200. He said the census must be down by 530 within the next two months, and set a mid-September deadline for that reduction.

Houck said corrections officials should choose for release inmates that pose the least threat to public safety and the least potential burden to local law enforcement agencies through commission of new crimes.

Instead, the state Board of Corrections said it would try to solve the problem by freeing 150 non-violent prisoners a few days ahead of their scheduled release times, and by building three more temporary barracks.

And the Budget and Control Board voted to borrow more than \$80 million for new prisons in Richland, Allendale and Marlboro counties. The panel also authorized the expenditure of \$900,000 from a state capital fund to provide for the hasty erection of prefabricated wooden barracks, which prison officials expected to raise quickly with the help of inmate workers.

The judge's order also forced early action on portions of the just-passed Omnibus Crime Bill, which called for "shock probation" quarters for first-time offenders convicted of non-violent

crimes. The Budget and Control Board authorized use of \$900,000 from the state capital fund to build those quarters right away at Wateree Correctional Institution and the Women's Correctional Institution near Columbia.

While prison and budget officials rushed to comply with Houck's order, state Attorney General Travis Medlock asked the 4th Circuit Court of Appeals to postpone enforcement until an appeal could be heard.

The order came after a two-day hearing into complaints that South Carolina was not complying with terms of a 1985 agreement that settled an inmate lawsuit in the federal court system. Significant portions of the settlement dealt with overcrowding issues, but corrections officials said at the hearing there are 530 more inmates in state prisons than the settlement allowed, and others are piling in three times faster than predicted

(See INMATES, Page 3)

Academy Struggles To Fight Crowding

Increased training demands in law enforcement coupled with recent vetoes by Gov. Richard W. Riley have forced S.C. Criminal Justice Academy officials to seek alternatives to solving the school's overcrowding problem.

CJA Director John A. O'Leary said the academy's staff is studying a number of proposals to ease the overcrowding problem the school is facing in cafeteria space, classroom allocation, and dormitory facilities.

Recent budget cuts totalling \$3.4 million for the state's only enforcement training facility are causing academy officials to re-think the best way to handle a backlog of more than 400 prospective students, O'Leary said.

O'Leary said that any resolution to the Academy's rapid growth in police training requirements will not be forthcoming overnight, "but we have taken some positive steps toward alleviating some things until we can obtain additional funding at a later date."

O'Leary said one overcrowding issue

will be resolved temporarily in January, 1987, when the S.C. Department of Corrections begins guard and supervisory training in their own training school to be located on prison property.

Withdrawal of the corrections staff and students from the S.C. Criminal Justice Academy will free up 2,464 square feet of office space, three classrooms, and more than 80 beds in the dormitories.

Additionally, O'Leary said lunch line allocations to corrections equaled roughly 110 persons daily at present time.

"Those 110 spaces can be directed after January, 1987, to additional law enforcement officers," O'Leary said.

The academy director said that funds for construction of the new Corrections training facility already have been authorized, and that construction is scheduled to be completed in six months. He added that the half-year

(See ACADEMY, Page 3)

Deputy Johnson Acquitted

FBI Investigates Brailsford Shooting

The FBI is looking into a Richland County slaying that occurred last December during an arrest attempt to determine whether the officer involved violated anyone's civil rights.

The deputy, Danny Johnson, was acquitted of murder early this month. A Richland County jury of nine whites and three blacks deliberated 45 minutes before announcing their verdict that Johnson had acted in self defense when he shot 45-year-old Alex Brailsford.

The shooting occurred during an attempt to serve an arrest warrant on the

victim's son at the Brailsfords' Gadsden home.

Although Johnson was cleared at trial, and in an investigation by the State Law Enforcement Division, the U.S. Justice Department agreed to take another look at the shooting at the request of the Columbia Chapter of the National Association for the Advancement of Colored People.

The NAACP asked for an independent inquiry by the Federal Bureau of In-

vestigation, and the Justice Department confirmed in mid-July that one is under way.

Fifth Circuit Solicitor James C. Anders said files on the local investigation, which were used in court, have already been given to the FBI. Anders said Richland County officials have pledged their cooperation in the inquiry, and they expect it to confirm that Johnson did nothing improper.

The NAACP, however, said in a letter to the Justice Department, "It is our

feeling that the case was not prosecuted vigorously or effectively."

Johnson testified at trial that Brailsford refused to allow deputies to see his son, who was named in the warrant.

The deputy said Brailsford argued with him, then went toward a back room, where "he said he had something for me." Johnson told the court he took that as a threat, and when he saw Brailsford crouch down and lift his arms, he fired the shot that killed Brailsford.

Investigators found a shotgun, pistol and two knives in the room with Brailsford, but none was within his reach.

Director's Thoughts

This Paper's
Yours; Let's
Make It Good

O'Leary

Criminal Justice issues have become as complex and varied as the men and women who dedicate themselves daily to these careers.

The staff at the S.C. Criminal Justice Academy are professional law enforcement officers, attorneys, instructors, and other experts in the field who believe in the notion that our society functions best when its law enforcement system has the most capable and best informed people. *The Criminal Justice Chronicle* is one way we can help reach those goals, and I am pleased to present this third issue to you.

The *Chronicle* helps us provide the very best information to you about what is going on in the criminal justice field, and we are honored to have S.C. Attorney General Travis Medlock share with us his perspective about the directions for law enforcement. Hopefully, he will be a regular contributor to our publication. Other features also have been designed for this publication, with an emphasis on South Carolina criminal justice agencies and the people who work in them.

The Criminal Justice Chronicle is not just about the S.C. Criminal Justice Academy or any one particular law enforcement agency. Instead, it is about the entire spectrum of criminal justice issues, including many things that make us look good, and occasionally, some things that show our weaknesses.

We hope you will all become a part of this publication. When you know of information that ought to be published, please let us know. Many times, it is the only way we can find it out.

Future issues of *The Chronicle* will feature specialized topics from training available to new techniques and procedures to new or amended laws and opinions. A new feature this issue is the question and answer column entitled "Ten-Ninety: Ten Ninety-Four." Hopefully, this column will answer questions that have us wondering from time-to-time, but that we had not really bothered to ask. If you need a question answered, just let us know.

Good luck, as we all work to do our jobs better and more professionally.

John O'Leary
SCCJA Executive Director

Attorney General: A 'Friend Of Court'--And Enforcement

By Travis Medlock
Attorney General of South Carolina

A single United States Supreme Court decision can affect dozens of criminal cases here in South Carolina. Law enforcement officers and prosecutors may find that basic procedures must suddenly be altered to meet new guidelines set by the Court.

Many of the U.S. Supreme Court's major decisions in the criminal law area arise from the appeal of a single defendant in one of the 50 states. At first look it may seem as if South Carolina and the other states must simply wait and see what the Supreme Court decides on a major case.

My attitude, however, is that we must do more to protect the interests of law enforcement than simply stand by as the Court decides these major issues. Our Office has been able to make clear to the court the position of South Carolina on major law enforcement questions by filing special "friend of the court" briefs. These documents, formally known as *amicus curiae* briefs, are a way for South Carolina to play a role in important cases.



TRAVIS MEDLOCK

Readiness For Terrorism Said 'Less Than Desirable'

A veteran police chief has told the U.S. Congress that the "level of preparedness for terrorism in most state and local law enforcement agencies in the United States is ... less than desirable."

In testimony before a House Judiciary Committee subcommittee on terrorism, Jerald Vaughn, executive director of the International Association of Chiefs of Police, said many police officials "minimize the threat of terrorism because, as they analyze their communities, they simply do not see any likely target for such activity."

As a result, Vaughn said, many police departments are not equipped to deal with terrorism -- and some police believe bloody attacks like those abroad couldn't possibly happen in their own back yards.

Federal, state, and local law enforcement officials have been concentrating on the problem of terrorism in the wake of Libyan dictator Moammar Khadafy's threats to retaliate against the U.S. for the air strike made against his country in April. Authorities had been increasing their preparations during the past few years, but efforts have redoubled because of renewed fears about Libya.

In 1985, the FBI prevented 23 terrorist

acts planned by various terrorist groups for execution in the U.S.

Vaughn told the subcommittee that while some police departments have specialized units in place to handle terrorists, others "do little to prepare for such occurrences." He said, "Many police officials honestly believe that such things cannot happen in their jurisdiction." He criticized present anti-terrorist efforts for a lack of communication and coordination, duplication of effort, and "in many cases, a less than desirable level of cooperation between the various law enforcement entities."

At the same time, Vaughn said it is important not to overreact to terrorism or the fear of it.

"When we alter our basic way of life, we have in fact been defeated by the terrorist," Vaughn said.

Assistant FBI Director Oliver Revell told the subcommittee that Federal authorities have been setting up task forces in many cities to better coordinate attacking the problem on Federal, state and local levels.

Task forces are now operating in New York City, Chicago, New Haven, Newark, N.J., San Francisco, Los Angeles, Boston and Washington, D.C.

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A good example of this practice involved a decision issued in March by the court which narrowed *Miranda* warning requirements. The issue in the case, *Moran v. Burbine*, was whether a confession must be suppressed, despite a proper *Miranda* warning, where the defendant was not notified that an attorney had called offering assistance. The Court's decision found that the confession had been properly admissible.

Our Office and representatives of other states joined together to file an *amicus* brief in support of this position in behalf of fair and effective law enforcement.

In recognition of the value of these "friend of the court" briefs, I established a program within the Attorney General's Office to coordinate our *amicus* efforts. Deputy Attorney General John P. Wilson carefully reviews each opportunity to participate in cases before the Supreme Court to determine which involve issues important to law enforcement and prosecutors. He frequently consults with Donald J. Zelenka, my Chief Deputy Attorney General for the Criminal Division.

We are able to keep tabs on which issues are of particular importance to law enforcement through our usual daily contact with state and local agencies and, also, through our criminal appeals program. One of my responsibilities is to represent the interests of the state against those of each criminal who files an appeal in this state.

In fact, one important reason for attempting to persuade the U.S. Supreme Court is to get favorable decisions to aid us in criminal prosecutions and appeals before our own state Supreme Court. Defense attorneys frequently look to U.S. Supreme Court decisions for legal issues to raise to second-guess the actions of law enforcement in the field, prosecutors, and judges at trial. It is frequently these issues that we see raised on appeal here in our state.

(See ATTORNEY GENERAL, Page 3)

Ten-Ninety: Ten-Ninety-Four

This column will be a regular feature in Criminal Justice Chronicle. In it, we will attempt to answer questions that you might have about the Criminal Justice Academy, and about criminal justice in general. If you would like to submit a question, call Don Titus in Columbia at 737-8400.

Q. I understand that City and County Jail Training is being pulled out from under the Academy. Is this true?

A. No. The S.C. Department of Corrections is tentatively scheduled to pull their training out of the Academy by July 1, 1987, but Jail training will still be done at the Academy.

Q. Is a Law Enforcement Officer mandated or required by law to investigate suspected cases of child abuse or neglect?

A. Yes. According to Bill Hammond, this is covered in code 20-7-650 paragraph "K".

Q. I hear that the Academy will administer a basic educational level test to my law enforcement job applicants. How do I go about setting this up and what will the results tell me?

A. Contact Bill Jones or Judy Davis at the Academy for further information. Their telephone number is 737-8400.

Q. Why does it take so long for me to get an officer enrolled in Basic Training?

A. According to Barbara Bloom: At the Academy, we are always working 6 to 8 months ahead in scheduling officers for basic training because of the large turnover in law enforcement. Even if an officer has complete and accurate paperwork when he applies for training, the earliest possible training date is 6 to 8 months away. If there is a delay in getting paperwork, then there is a greater delay in training since no one can be scheduled until documentation is complete.

Q. Is it true that "Officer Survival" will be offered in the field?

A. Yes. For further information on this or any other field course contact Bill Hammond at the Academy. His telephone number is 737-8400.

Greenville Officers Are Exonerated In Wreck Deaths

An internal investigation by the Greenville Police Department has found no wrongdoing on the part of officers involved in a June 3 chase that ended with the deaths of two women.

Police Chief Harold Jennings said he wasn't surprised at the findings because neither patrol car involved in the wreck was traveling fast, nor was the suspect they were following -- he just wouldn't stop.

Officers V.E. Burket and Terry Christy were not at fault, the report said. It indicated the pursuit never exceeded 49 miles an hour.

Jacqueline M. Lee, 24, and her mother, Jamie B. Marcengill, 47, of Pickens were killed when their vehicle pulled into the path of the other cars.

Attorney General

(Continued From Page 2)

In Massachusetts, for example, a prisoner challenged his conviction based on the presence of armed guards in the courtroom. We joined in a brief in support of the State of Massachusetts in defending the conviction. The Supreme Court agreed with us that in the case, *Holbrook v. Flynn*, the presence of the guards had not prejudiced the jury to the extent that it constituted a denial of the defendant's right to a fair trial. We anticipate that our success in this case will foreclose many future federal appeals on this and related courtroom security issues.

We have found, however, that one of the most effective roles we can play as a "friend of the court" is in getting important law enforcement issues before the Supreme Court.

For example, a federal appeals court may issue a ruling which is considered harmful to law enforcement and prosecutors. The only way to get that decision overturned is to go to the U.S. Supreme Court. In a typical year, however, some 5,000 petitions are filed asking the high court to take a case on appeal. But the Supreme Court may actually agree to hear less than four percent of these cases.

We have found, though, that we can impress the Court with the importance of an issue by having a large number of states join together in asking the Court to review the decision. As you can imagine, the odds that the Supreme Court will take a case become much greater when 30 or more states join together in pointing out its significance to law enforcement in this country.

Inmates

(Continued From Page One)

when the agreement was reached.

In some institutions, that meant triple-celling, which was prohibited by the settlement.

Houck said overcrowded conditions had violated inmates' constitutional rights, and he ordered the Department of Corrections to get the prisoner population to more acceptable levels. He said he would not specifically order that inmates be freed, but if no other way could be found to cut the census within the time limits he set, that's what the state should do.

The judge said he didn't like to interfere in the operations of the state's prison system, "but I do not have to worry about politics. I look at what's right and wrong."

"I'm going to turn them out, and I'm

going to keep turning them out until the Department of Corrections is in compliance with the settlement agreement they entered into ... with their eyes open."

Corrections Commissioner William D. Leeke said 150 inmates will probably have to be released to meet the 15-day deadline for the initial reduction, but the system will look for other ways to ease overcrowding by September to avoid a mass release of additional inmates.

The judge allowed the use of temporary barracks at Manning Correctional Institution to house 96 inmates and the old guards' quarters at Central Correctional Institution to house 69 for another six months, although inmates' attorneys cited those areas among overcrowded hot spots in the prison system.

Academy

(Continued From Page One)

projection may not be realistic, but he said that the Academy is planning for Corrections to be out of the Academy by January, 1987.

The Corrections pullout also will alleviate, temporarily, additional space problems, including additional firearms and driving range time for basic training students as well as gymnasium time for various Corrections functions, including graduation ceremonies approximately 12 times per year.

O'Leary added that he has directed the Academy staff to go forward with plans to use the space allocated to Corrections by January, 1987, "and if the expected move to Corrections own training facility does not occur by that time, the Academy expects to be reimbursed for costs for Academy personnel

and space through interdepartmental transfer of funds."

O'Leary said the Academy is also considering modifying the existing kitchen space to better handle the increasing student demands -- at least on a temporary basis -- until additional funding can be obtained.

He said that plans are being drawn up to solve some immediate kitchen problems such as patching roof leaks in the kitchen and dining rooms and replacing outdated or unusable equipment.

O'Leary pointed out that the Academy still will have to face the problem that additional funding will be needed at some point within the next fiscal year, and that efforts being made by academy officials now to handle overcrowding are only temporary.

Major Crime Reports Show Dramatic Rise

Reported incidents of crime have jumped dramatically during the first five months of 1986, according to statistics kept by the South Carolina State Law Enforcement Division.

SLED tabulates crime records from law enforcement agencies statewide, and the figures tend to show an alarming crime spiral that has continued climbing since 1985.

The SLED figures for January through May indicate the following increases in major crime: Arsons up 24 percent; larcenies up 13 percent; break-ins up 10 percent; assaults up 10 percent; robberies and car thefts up seven percent; rapes up six percent; and murders up three percent.

The climbing crime rate continues a trend that began last year. In 1985, according to SLED, crime reports rose 5.5 percent in comparison to 1984, with increases noted in every category but robbery.

A number of law enforcement officers believe that the rising crime rate is an unwanted but unavoidable correlary to the state's rising population.

SLED spokesman Hugh Munn says that police officers across the state "have been saying the crime rate has just gone crazy. Munn says the reports from June through August "may make the picture even worse."

Law enforcement officers fear the crime rate may take another dramatic upturn during the crime-prone summer months, when reports of assaults and thefts usually hit their annual peak.

Allendale Police Officer Faces Murder Charge

An Allendale police officer has been charged with murder in the May 3 shooting death of a 26-year-old construction worker at a local convenience store.

Cpl. Charles Smith, a five-year veteran of the Allendale Police Department, was charged early this month after an Allendale County coroner's jury ruled the death of Wiley J. Kneece was a felony and that the fatal bullet came from Smith's .357-caliber Magnum pistol.

Kneece was killed by a bullet wound in the face, and a pathology report showed it had been fired from two to eight inches from his head.

The shooting occurred when the police officer attempted to intervene in a quarrel between Kneece and his wife in the parking lot of the store.

The county grand jury is expected to decide this fall whether Smith should be indicted and tried.

Bill Would Curb Drunk Drivers On Federal Land

A new bill in the U.S. Congress would subject drunken drivers apprehended on Federal land to the same penalties they would receive in state courts.

Rep. Michael Dewine (R-Ohio) introduced the bill June 19. At present, federal judges cannot suspend a driver's

license for drunken or drugged driving, nor can a driver be forced to take breathalyzer tests.

Dewine, who sponsored the bill along with several other representatives, says the bill would allow federal judges to sentence a convicted drunk driver to

"the same penalties in effect in the adjoining state."

There is no companion bill in the Senate at the moment.

The proposed new law would apply to military bases, national parks, Indian reservations, and all other federal lands.

S.C. Law Defines Officers' Role In Cases Of Child Sexual Abuse

By BILL HAMMOND
SCCJA Legal Staff

Recent publicity in major South Carolina newspapers on the sexual abuse of children has increased the likelihood of reports on this problem from concerned citizens.

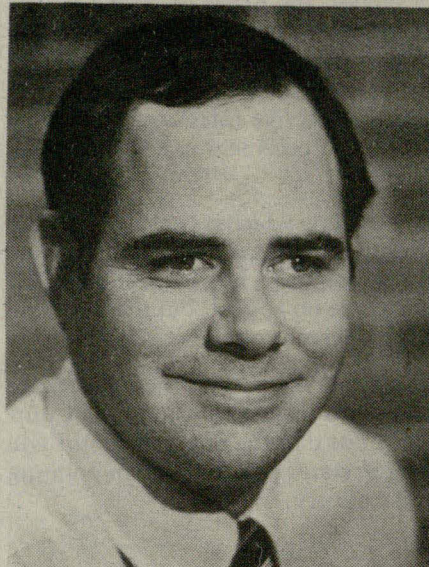
As an update for officers whose Academy training is somewhat distant, and as a guide for handling the influx of abuse reports, this is a summary of what the Academy's teaching manual has to say on the subject:

The role of law enforcement in child abuse has changed drastically in the last few years. In the past, "suspected" cases of the child abuse that were reported to a law enforcement agency were simply passed on to the local child protective agency, normally the Department of Social Services, for investigation, protection of the child, dealing with the family unit, and other intervention.

For the most part, the only situation in which law enforcement became involved were in extremely severe cases such as death, extreme brutalization, or non-familial cases. Even in these cases, law enforcement involvement was limited, primarily because of the existing laws prior to 1977.

Prior to 1977 the laws in South Carolina dealing with child abuse were very limited. In 1977 the S.C. Legislature passed the Child Protection Act of 1977. With the passage of this act, the roles of all agencies and professional organizations associated with child abuse cases were clearly stated, and the role of law enforcement was increased.

According to S.C. Code Section 20-7-51, a report of "suspected" child abuse may be made to either a law enforcement agency or DSS. Once law enforcement agencies receive a report of "suspected" child abuse, they must inform DSS of their actions and findings.



BILL HAMMOND
Clarifies Officers' Role

The top priority for law enforcement is the *immediate protection of the child*. This power of immediate protection for the child is given in S.C. Code Section 20-7-610.

A law enforcement officer is the only person who may take a child into "emergency protective custody" without a court order or the permission of those who have permanent or temporary control over the child if there appears to be an imminent danger to the child's life or physical safety.

This is an awesome responsibility and if abused or misused could do a great deal of emotional damage to not only the child but the other family members as well.

There are many reasons that the emergency removal of children from potentially dangerous situations rests with law enforcement. Of all involved disciplines, law enforcement personnel are the best trained to make reliable snap judgement decisions to ensure the protection of an individual's constitutional rights, and to collect and maintain the integrity of physical evidence.

Law enforcement is also the only 24-hour field service readily available with investigatory and arrest authority.

It provides the only around-the-clock agency which can give immediate response to family crisis situations.

The decision of emergency removal of a child is generally initiated by the uniformed patrol officer. That's why the Academy devotes a great deal of time in training basic recruits in the area of child abuse and neglect. The uniformed patrol officers are trained in both the legal and procedural aspects of emergency protective custody.

When the officer arrives on the scene he will explain to the individuals involved that he *must* check all of the circumstances surrounding the complaint. The officer must also see or talk with the child.

At that point, based upon what he has observed, a decision will be made whether to remove the child immediately or forward the report on to DSS for further investigation or a court order to remove that child, and possibly other children as well, from the home.

If the law enforcement officer decides to remove one or more children, he is required to notify DSS immediately (S.C. Code Section 20-7-610). Any child who is removed is then transported to a previously designated place and turned over to DSS for temporary placement.

If it is necessary, the child is taken to a hospital or other medical facility. If medical attention is not needed, the officer may transport the child either to DSS or to the law enforcement agency's headquarters.

The only restriction is that *under no circumstances* shall the child be transported to a place designated for the detention or holding of either *adult* or *juvenile criminal offenders* (S.C. Code Section 20-7-610).

Once the initial contact is made and the child has been taken care of, the case is generally turned over to an investigator. At this point, the law enforcement function becomes one of a slow, methodical, investigative process.

The investigating officer will gather the facts and present them to the solicitor for determination or ask a

magistrate for a warrant. This portion of the case may only take a few days, or perhaps months -- whatever is necessary to complete the fact gathering process.

While the investigation is different from those conducted by other concerned disciplines, it is important for the agencies involved to share as much information as possible. The law enforcement function in this part of the case is to gather facts for criminal prosecution. During this time, the officer may talk with the child or children directly or indirectly involved with the case.

The officer will also run background investigations involving all person(s) related with the case. To do a complete and thorough job of gathering all the facts related to a case of child abuse or neglect is an extremely involved process.

Probably the most important component in a successful investigation is the ability of all involved disciplines to work together and share valuable information. There is no one agency that can successfully handle all aspects of a child abuse case by itself.

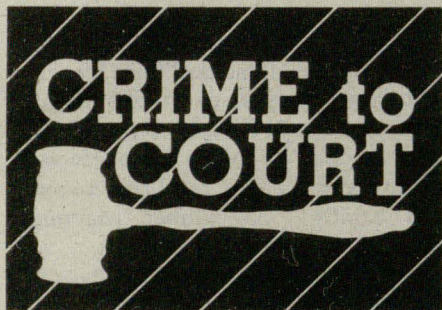
Phone Problems Our 'Hang-Up'

If you've had trouble reaching the editor of *Criminal Justice Chronicle* by phone, don't give up.

We've had some pesky telephone problems that apparently were hard to identify and correct. In fact, we thought we were getting a lot of calls from breathers who wouldn't say a word until we discovered that callers could hear us, although we couldn't hear a thing from the other end of the line.

We think it's fixed.

If you have news to share, give it a try. We'd like to hear from you. The number, in Columbia, is 772-2631.



The August, 1986, edition of the Criminal Justice Academy's television program, "Crime to Court" will be aired on S.C.ETV closed circuit Channel "A" on July 31 at 9 p.m., Aug. 4 at 7 p.m., and Aug. 6 at 7 p.m.

The procedural part of the program will concern itself with law enforcement officers' health, with particular emphasis on the issues that affect an officer's well-being with regard to stress and other health-related factors.

The local segment of the program will concern itself with the U.S. Supreme Court decision in *California v. Ciraolo*. The decision examines the question of the right to privacy from a search wherein an airplane is used to fly over an area. The Supreme Court has ruled that "there is no expectation of privacy if drugs and other contraband are in plain view from above."

Bogus Spartanburg 'List' Might Endanger The Persons It Names

Undercover narcotics officers in the Spartanburg County Sheriff's Department have made some unusual buys lately -- copies of a computer printout of alleged drug informants, distributed as a guide to dealers and users hoping to steer clear of the law.

The list of 30 names was labeled "bogus" and a "dangerous scheme," however. Capt. John Blackwood told the press the list consisted of people who'd received probationary sentences for various drug offenses, but bore no relation at all to the informants used on occasion by the department.

Drug agents paid \$25 for a list of alleged informants in April and bought an updated list in June.

They found it was highly inaccurate,

Blackwood said, and that bothered law enforcement officials as much as if their real informants' covers had been blown, since the people named on the list could be in danger as a result.

Blackwood said the true identities of informants are closely guarded secrets among a handful of officers, and they are often kept under lock and key. He said they can't be discovered from a single source or index.

But that's not what the sellers of the bogus list have told their buyers.

The list, apparently prepared on a home computer, has no identification or title, Blackwood said, but sellers have said the names are those of drug informants. Officers believe the list was probably developed from local newspaper

wrapups of court actions, but said the fact that someone received a probationary sentence was no indication of informant status.

"We don't have any idea who is actually producing the list, but more than one person has been doing the selling," Blackwood said.

Seventh Circuit Solicitor Dick Whelchel said the scam wasn't right, but it wasn't exactly illegal either.

The publisher of the list -- whoever that is -- could possibly be charged with negligence if someone was injured as a result of being listed, Whelchel said.

"The whole thing is a sham," he said. "I think it is unique that someone decided to be an entrepreneur in this sort of thing."

Former Chief Arthur Hess Gets Probation

Former Columbia Police Chief Arthur Hess, who fled his home city to avoid a prison term and was recaptured, was sentenced in July to five years, suspended, and five years probation.

The former chief will serve the federal probation -- given him by U.S. District Judge Clyde Hamilton -- after he completes a three-year prison term for state convictions of misconduct in office and obstruction of justice. He is presently serving that term in Greenville.

The maximum sentence Hess could have received was five years in prison and a \$25,000 fine. His probationary term includes special provisions, made mandatory by the court, that he must spend at least 100 hours per year in community service work during his first three years of probation.

After an elaborate ruse involving two blood-stained cars and a faked "trail of blood" (all of the blood presumably that of Hess), the convicted chief disappeared from Columbia in June, 1985. It was later discovered that he was accompanied by Mary Davies McEachern, a Columbia woman who apparently was willing to share his life as a fugitive.

The two were apprehended when they were recognized by Columbia tourists in the Epcot Center at Disney World, Florida in January, 1986.

Mrs. McEachern received a \$10,000 fine for abetting Hess' flight from justice.

Hess' attorney, Marvin Mullis, said he was pleased that his client had avoided a second prison term.

"He was very relieved he is not going to be put in a place where he would be sodomized and have the hell beat out of him," Mullis said. "I was overjoyed at the sentence."



STUDENTS PREPARE a "search grid" for underwater use during a training exercise that took place during the Criminal Justice Academy's recently-sponsored divers' training school for experienced law enforcement divers. Divers from 10 state law enforcement agencies participated. Students experienced intensive training in underwater search procedures. (Photo courtesy of the Academy.)

Greer Committee Named To Probe Police Procedures

Greer City Council has appointed a police advisory committee to deal with a grand jury report that found that some practices in the local police department were discriminatory, and some investigatory procedures were out of line.

The committee is expected to make recommendations to the council for changes and to strengthen community relations between police and citizens.

The grand jury report stemmed from an investigation by the State Law Enforcement Division, based on a complaint from the National Association of Colored People.



DIVING INSTRUCTOR Richard Shealy, left, dons equipment with one of his students. The Criminal Justice Academy recently sponsored a training school for experienced divers affiliated with law enforcement agencies throughout the state. The course consisted of intensive training in underwater search procedures--the recovery of bodies, the finding of submerged cars, contraband, etc. (Photo courtesy of the Academy.)

Special Drug Course Slated For October

A special drug training course for law enforcement officers will be held at the Sheraton-National Hotel in Arlington, Virginia, Oct. 20-22.

The course, entitled "National Institute on Investigation and Prosecution of Narcotics Conspiracy Cases," will be sponsored by Washington Crime News Services in cooperation with the National Institute on Economic Crime. The sponsors say the program will teach its students about "the most advanced state-of-the-art techniques for attacking drug dealers at the source of their operations."

Major topics to be covered at the conference are:

- Recent shifts in drug manufacturing and distributional patterns;
- "Reverse sting" operations;

--Technology, with an emphasis on combating criminals' use of high tech electronic warning gear;

--Investigation, including grand jury and trial planning for complex cases;

--Financial investigation and evidence development in conspiracy cases, and recent trends in asset forfeiture law; and

--Defense perspectives: Weaknesses in your cases and how they may be exploited--or avoided.

The cost of the three-day program is \$325. It includes all instructional materials, two lunches, coffee breaks, and a certificate of completion.

Interested officers should call or write Ms. Catherine Smith, Washington Crime News Services, 7043 Wimsatt Rd., Springfield, Va., 22151. Her telephone number is (703) 941-6600.

Ceremonies Honor 4 Slain S.C. Officers

Four South Carolina law enforcement officers killed in the line of duty were among 150 who died nationwide last year.

They were honored along with their deceased comrades from other states during recent ceremonies in Washington, D.C., at the 1986 National Officers Memorial Service.

The ceremony honoring officers who died from felony incidents or from accidents was held in late spring with more than 60 families attending.

South Carolina officers included in the memorial services were:

-- Edward Vaughn Kee, 25, of the Mount Pleasant Police Department.

-- Valdon Osborn Keith, 46, of the Greenville County Sheriff's Department.

-- Bruce K. Smalls, 30, of the South Carolina Highway Patrol in Jasper County.

-- Robert A. Way, 28, of the North Charleston Police Department.

Kee was struck and killed by a drunk driver last Dec. 25 on S.C. 703. He had just arrested another suspected drunk driver, who was sitting in the back seat of Kee's cruiser when a passing car hit the patrolman and threw him 80 feet off the roadway.

Keith was shot to death by an armed robbery suspect last Thanksgiving Day. A constable working as a volunteer relief officer for Greenville County, he was a passenger in a cruiser in pursuit of three men suspected of the gunpoint robbery of a local supermarket. One of the men fired into the car.

Smalls was slain last September when he stopped a weaving van on Interstate 95 in Jasper County. He did not know the occupants had stolen the vehicle nor that the murdered owner's dead body

was in the rear of the van. When the trooper approached the van, a pistol was emptied into his chest.

Way died Feb. 18, 1985, in a predawn gun battle with a burglary suspect when he responded to a silent alarm at a North

Charleston tavern, where a break-in was in progress. The suspect also died in the shootout. Police discovered later that the suspect had been arrested 12 days earlier and charged with a separate break-in at the same tavern.

Supreme Court Settles Horry Police Dispute

The state Supreme Court has validated a 1981 local ordinance that gave the Horry County Council control over a countywide police agency.

The high court's opinion, filed Monday, reversed a lower court ruling that said the ordinance violated the state's Home Rule Act.

In a court hearing at the county level, Circuit Judge Luke N. Brown had ruled in favor of Eugene Graham, a former police chief who had challenged the council's decision to abolish the Horry County Police Commission and to assume control over the police department with the county administrator. The high court disagreed.

Graham's lawsuit contended that county officials had no right to abolish the police commission without a referendum and that control of the police department, once the commission was out of the picture, should have passed to the county sheriff's department, not the council.

Cities' Liability Insurance: Crunch Approaches Crisis

The liability insurance crunch has reached crisis proportions in the nation's cities, with premiums for municipalities rising as much as 650 percent in 1985, the National League of Cities said in a recent news conference.

"In many cases, the very capacity of cities to serve the public is being seriously impaired," Cleveland Mayor George Voinich, the immediate past president of the League, said in a statement. "Often, essential services have been temporarily or permanently terminated because insurance coverage has either been drastically reduced or is simply not available."

Voinich urged action at the state and Federal levels to ease the burden on cities.

"It is crucially important that the states and Federal Government work together to develop a comprehensive approach to the problem — one that will restore the stability and fairness to the insurance industry's practices and to the nation's liability system," he said.

Voinich said the average increase in the cost of liability insurance premiums for cities, "when insurance could be obtained at all in 1985, was 650 percent — with many cities facing increases of 1,000 percent or more."

'Innovations' Conference Set At USC

The College of Criminal Justice at the University of South Carolina is gearing up for its Eighth Annual Conference on Innovations in South Carolina Law Enforcement.

The conference is scheduled for Nov. 12 at Capstone Dormitory. A luncheon will be held at the "Top of Carolina" restaurant.

Local chiefs of law enforcement agencies throughout the state are asked to submit descriptions of innovations developed in their departments for presentation at the conference. Deadline for submissions is Aug. 31.

The term "innovations" applies to anything new a department is doing that may not have been done in the past. The term includes new approaches to old problems, new services, new incentive programs, new selection and promotion evaluation methods, and new ways of deploying manpower. But "innovations" are in no way limited to those fields, says Geneva Miller of the College of Criminal Justice. Anything new that a department is doing is open to consideration for presentation before the conference, she said.

After the College receives project descriptions from law enforcement agencies across the state, a jury made up of enforcement professionals will select a number of projects for presentation before the conference. A conference report of all projects submitted will be distributed to enforcement agencies, statewide.

Project descriptions should be limited to 15 double-spaced typewritten pages, and they should include all relevant materials (such as photos, graphs, maps, etc.) which are pertinent to the project.

For further information contact Geneva L. Miller, College of Criminal Justice, University of South Carolina, Columbia, S.C. 29208. Her telephone number is 777-7330.

Enforcement Agencies Lag In Hiring Women, Minorities

State and local law enforcement agencies continue to lag in hiring and promoting women and minority employees despite stepped-up recruitment efforts, according to state records and a statewide survey by the Human Affairs Commission.

State and local law enforcement authorities say they're trying to recruit women and minorities, but the pool of qualified candidates has not grown to meet the demand. Authorities also complain that turnover hampers their efforts to get minorities into the system and up the ladder, because other professions also want to boost their affirmative action results, and they compete for job applicants.

Recruitment of women and minorities is important to law enforcement because police forces need to reflect the composition of communities they serve to avoid charges of racism, according to Paul Beazley, deputy commissioner for the Human Affairs Commission.

Police departments in Spartanburg and Greer have recently come under fire for alleged racial bias in the hiring and

promotion policies.

The National Association for the Advancement of Colored People in those areas has led the criticism. NAACP officials said minority applicants would increase if blacks already working in law enforcement didn't say the force was racist.

Whatever the reason, Human Affairs records show that state and local law enforcement agencies are having real trouble attracting and promoting women and members of minority groups.

In its annual survey of hiring and promotions, the commission found that 84 percent of entry-level agents in the State Law Enforcement Division were white and 16 percent were minority group members.

The commission also said the state Highway Patrol "did little toward increasing the representation of blacks and women through affirmative actions" — a problem the Patrol laid to competition in the job market for qualified applicants.

Minority employment in South Carolina's 256 county and municipal

police departments averaged 18 percent of the total number of local law officers, according to a 1983 survey done by James G. Fraser of the University of South Carolina School of Criminal Justice.

Fraser's study showed that blacks fared better than women in getting law enforcement jobs, however. Only five percent of the state's local law enforcement officers were women at that time, the study showed.

Janie Allison, head of the Human Affairs Commission's affirmative action division, said it's important for law enforcement agencies to develop hiring and promotion plans that will convince potential minority employees their applications won't be a waste of time.

"There is always the possibility of a chilling effect on application when people feel there is no need to make application because the chances are so small they will be selected," she said. "Unless an employer takes steps to see why people feel that way, the process can go on a long time."

Changes, Awards, Honors

Sidoran Named Chief Of Charleston Police

VETERAN POLICE official William J. "Jack" Sidoran is the new chief of the Charleston County Police Department.

Sidoran succeeds long-time chief Walter C. Gay who recently retired.

Sidoran comes to Charleston after serving as Director of Public Safety for the City of Lancaster, where he directed the town's Police and Fire Departments. He held that position for the past two years.

Sidoran was selected from 72 applicants who sought the position. He succeeds Acting Police Chief Michael Boggs, who served an interim term after Gay's retirement. Boggs was Gay's second in command.

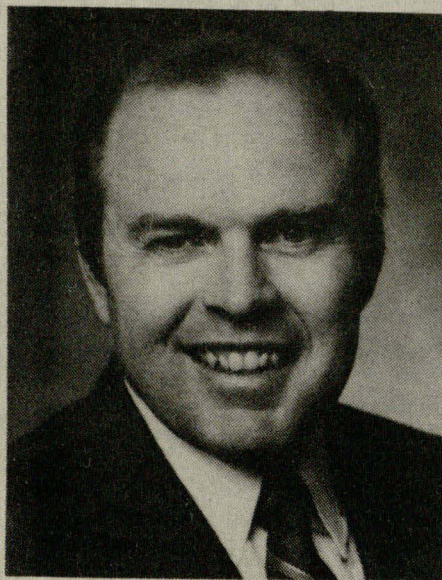
Sidoran's tenure as Lancaster police chief was praised by Lancaster City Administrator Paul Paskoff who cited Sidoran's commitment to training for police officers and firefighters. Paskoff said Sidoran will be remembered for his evenhandedness in enforcing the law and educating citizens on the laws that both the police and fire departments must enforce.

Sidoran previously served as Public Safety Director for the town of Cheraw in Marlboro County prior to moving to Lancaster.

He is a Marine Corps veteran of the Vietnam War and formerly served as a district manager for the Wackenhut Co., a security services company.

He served with the Metro-Dade County Police Department in Miami, Fla., and more recently with the Florence Police Department. He also served for a year with the National Crime Prevention Institute at the University of Louisville.

Sidoran has a bachelor's degree from Florida International University and a Masters Degree from that school in 1974.



JACK SIDORAN
Heads Charleston Force

election might be needed, since a new state law that went into effect three days before Booth's resignation requires an election if a vacancy for sheriff occurs more than a year before voters are scheduled to go to the polls in a general election.

Booth's term had 2½ years to run.

But the state attorney general advised a gubernatorial appointment in Saluda County because the new law hasn't been approved by the U.S. Justice Department as required by the Voting Rights Act of 1964.

Ross, 37, is a native of Saluda and has been employed by the Sheriff's Department for the past five years. He previously worked as a juvenile officer in the state family court system, assigned to Saluda, Edgefield and McCormick counties. He has also been a patrolman with the Saluda Police Department.

Ross has already indicated he'll run for a full term as sheriff in 1988.

Walls Kingtree Chief

A former Greenville County sheriff's investigator and police officer in two Piedmont towns has been named Kingtree police chief.

Roger Walls was picked over 16 other applicants to head the 19-member Kingtree force because of his experience in law enforcement in towns of all sizes, and because he'd held a variety of supervisory roles, Town Manager Kenneth Kortness said.

Walls is moving to Williamsburg County from Greenville, where he has been a hostage negotiator in the investigation division of the sheriff's department. He had been with the department since 1973, when he completed a four-year stint in the U.S. Air Force.

He replaces C.B. Shorter, who was fired in March after four years on the job. Shorter has said he'll sue the city.

"I don't know anything of the past," Walls said. "I didn't come here to take an individual's job. Kingtree is looking for law enforcement, and that's what I intend to do."



SHERIFF ROSS
Appointed in Saluda

Ross Saluda Sheriff

William Earl Ross, chief deputy in the Saluda County Sheriff's Department for the last three years, has been appointed county sheriff.

Gov. Dick Riley appointed Ross to succeed Sheriff George Booth, who resigned to become an agent with the State Law Enforcement Division.

County officials had feared a special

Greenwood Picks Coursey

A veteran member of the Greenwood Police Department has been named to head that agency after the retirement of Chief John Young. Police Major James T. Coursey became chief on July 1, City Manager Steve Brown said.

Coursey joined the department in 1967 and was promoted to major two years ago. He has been a detective since 1977.

Last year, he was one of only eight law enforcement officials from South Carolina selected to attend special courses at the FBI National Academy in Quantico, Va.

McCuen Changes Jobs

Sam McCuen, former public information officer for the state Department of Corrections, has assumed a similar role at the Department of Highways and Public Transportation.

He is replacing James Walker, who has retired.

McCuen was press secretary for state Sen. Hugh K. Leatherman's gubernatorial campaign.

Three Get Promotions

Three Mount Pleasant police officers have been promoted, thanks to a Town Council commitment to create more jobs on the force.

Chief Charles B. Wiley announced the promotions of Sgt. Frank Riccio to lieutenant and officers Lester Griffin and Robert Moody to sergeant.

Riccio, who has been with the department more than three years, has experience as a narcotics officer. He was officer of the year in 1984.

Griffin joined the department in May, 1985, and was officer of the year his first year on the job. He previously worked for police departments for Charleston County, Sullivan's Island and the Isle of Palms.



MOUNT PLEASANT POLICE Chief Charles B. Wiley right, discusses promotions with officers whose exemplary work with the department recently resulted in upgraded positions. They are, from left, Frank Riccio, Robert Moody and Lester Griffin. (Photo by Tom Spain, courtesy of *The News and Courier*)

Requiescant In Pace

Horry County Lt. John Floyd Dies In Wreck

LT. JOHN RONALD FLOYD of the Horry County Police Department died June 25 when his patrol car wrecked while he was responding to a call.

The accident occurred after Floyd apparently lost control of the cruiser when, after a heavy thunderstorm, it went through a large puddle on S.C. 33. The car left the road and struck a tree.

Floyd, 40, was survived by his wife, Louise Horne Floyd; a son, John R. Floyd Jr.; a daughter, Tisha J. Floyd; and his mother, Gladys Floyd, all of Green Sea; a sister, Mrs. Sarah J. Spittle of Sumter; brothers, Ricky, Joe and Mitchell Floyd, all of Green Sea; and a stepsister, Mrs. Jo Ann Jacobs of Loris.

Services were held at Green Sea Baptist Church with burial in Green Sea Cemetery.

Former Deputy Mason, 58, Dies

MARION "SAM" MASON, 58, a former deputy in the Spartanburg County Sheriff's Department, died June 29 in Greenville Memorial Hospital.

Surviving are his wife, Joanne Bemisderfer Mason of Greer; a daughter, Mrs. Karen M. Cole of Charlotte, N.C.; sons, Allan Mason of Boiling Springs, Marion "Marty" Mason Jr. of Greer; and Keith J. Mason of Greenville; sisters, Mrs. Helen Bagwell of Spartanburg and Mrs. Eunice Wilson of Boiling Springs; brothers, Howard Mason of Spartanburg and Bobby Mason of Atlanta, Ga.; and six grandchildren.

Services were held at Victor Baptist Church in Greer with burial in Hillcrest Memorial Gardens.

Moody has been named officer of the month twice since joining the Mount Pleasant force in May, 1984. He was previously a military policeman in the U.S. Army.

August Columbia Seminar Will Probe Police Stress

"Stress" is part of the job description for law enforcement officers, so the Fellowship of Christian Police Officers is sponsoring a seminar in August on how to handle that built-in pressure.

The seminar will be at the Marriott in downtown Columbia from 8 a.m. to 5:15 p.m., Aug. 16. The \$5 fee includes the program itself, parking and morning refreshments. The fellowship has obtained up to 50 percent discounts from some nearby restaurants for officers and their families who attend.

The deadline for registration is Aug. 1. After that, there will be an

extra \$2 charge for late registrants.

Spouses and children are welcome. A free babysitting service will be available.

Out-of-town registrants will be eligible for a \$45-a-night room rate at the Marriott. To get that rate, call 1-771-7000 and tell them you're attending the "Stress in Law Enforcement Seminar."

To register, send your name, address, department and telephone number to Officer Cheryl Justice, 12 Reuben Circle, West Columbia, S.C. 29169. Be sure to enclose the \$5 registration fee for each person who'll be attending, and indicate whether or not you'll need a babysitter and

how many youngsters you'll bring.

Developers of the seminar program say stress is a "very real part of law enforcement," and its symptoms can be serious -- divorce, heavy drinking, heart and health problems, nervous breakdowns, short temper, bad attitudes, and even suicide. For law enforcement agencies, stress is often the biggest factor behind turnover.

Additional information is available from Officer Suzanne F. Colbert at 733-8384 Monday through Friday, or from Chaplain John Tucker at 736-2213 any time.

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